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November 2, 2016

**Via ECF**

Honorable Ronnie Abrams  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *United States v. Jason Galanis et al*  
16-cr-0371-4 (RA)

Dear Judge Abrams:

This firm represents defendant Hugh Dunkerley in the above-captioned matter. This letter/motion is respectfully submitted on behalf of Mr. Dunkerley pursuant to Rule 43 of the Federal Rules of Criminal Procedure (“FRCP”) and pursuant to Rule 10(b) of the FRCP to request that Mr. Dunkerley be excused from appearing at the upcoming conference scheduled to take place on November 4, 2016 at 1:00 P.M.

I am advised that at the conference on November 4, 2016, scheduling will be discussed and that the defendants will likely be arraigned on a superseding indictment. I am advised further that the superseding indictment will not add new charges but will be a “speaking” indictment.

Mr. Dunkerley lives in Irvine, California. Mr. Dunkerley was planning on being present on November 4, 2016, but airfares are unusually high and it would cost him over \$1000 to travel to New York from California for the November 4, 2016 conference. It is respectfully submitted that it would cause a financial hardship to require Mr. Dunkerley to travel to New York for the upcoming conference.

Rule 43(b)(3) of the FRCP, permits a defendant to waive his right to be present in court for any proceeding involving only a conference or hearing on a question of law.

Rule 10(b) of the FRCP provides that a defendant is not required to be present in Court for an arraignment if:

- (1) the defendant has been charged by indictment or misdemeanor information;
- (2) the defendant, in a written waiver signed by both the defendant and defense counsel, has waived appearance and has affirmed that the defendant received a copy of the indictment or information and that the plea is not guilty; and

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(3) the court accepts the waiver.

Fed. R. Crim. P. 10(b).

In this case, Mr. Dunkerley wishes to waive his appearance for the upcoming conference and arraignment on November 4, 2016. I have conferred with AUSA Brian Blais and the Government advises that there is no objection to this request.

If the Court approves of this procedure, Mr. Dunkerley and I will execute the proposed waiver in the form annexed as Exhibit A and I will present it to the Court no later than November 4, 2016, after Mr. Dunkerley receives and reviews the superseding indictment.

In light of the above, I respectfully request that Mr. Dunkerley be permitted to waive his appearance for the upcoming conference on November 4, 2016.

Thank you in advance for Your Honor's consideration in this matter.

Respectfully submitted,



Joseph A. Grob

cc: AUSA Brian Blais (via ECF & email)  
AUSA Rebecca Mermelstein (via ECF & email)  
AUSA Aimee Hector (via ECF & email)  
All Defense Counsel (via ECF)  
Hugh Dunkerley (via email)